

Appendix 3-8

NPDES Permit



State of Utah  
DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

Norman H. Bangerter  
Governor

Suzanne Dandoy, M.D., M.P.H.  
Executive Director

Kenneth L. Alkema  
Director

288 North 1460 West

P.O. Box 16690

Salt Lake City, Utah 84116-0690

(801) 538-6121

October 2, 1990

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Randal J. Ralphs  
Genwal Coal Company  
P.O. Box 1201  
195 North 100 West  
Huntington, UT 84528

Dear Mr. Ralphs:

Enclosed is UPDES permit No. UT0024368 for your facility. Copies of EPA form 3320-1, Discharge Monitoring Report forms, for reporting and self-monitoring requirements as specified in the permit, will be as soon as printed. This permit is effective on the date of issuance, subject to the right of appeal in accordance with the provisions of *Utah Administrative Code*, Sections R448-8-6.11 and R448-8-6.13.

A fee schedule was included in the Utah Department of Health Budget appropriation request at the direction of the Legislature and in accordance with *Utah Coded Annotated* 26-1-6. The fee schedule, as approved by the legislature, includes a prescribed fee for specific Industrial Categories. The prescribed fee for a Minor Coal Mining and Preparation category, Utah Pollutant Discharge Elimination System permit is \$3,600.00. Please remit \$3,600.00 to:

Utah Department of Health  
Bureau of Water Pollution Control  
Attn: Rawn Wallgren  
P.O. Box 16690  
Salt Lake City, UT 84116-0690

If you have any questions with regard to this matter, please contact Paul Krauth at (801) 538-6146.

Sincerely,

Donald A. Hilden, Ph.D., Chief  
Permits and Compliance Section  
Bureau of Water Pollution Control

PR/pr

Enclosures

cc: Southeastern Utah District Health Department  
David Ariotti, District Engineer

**STATEMENT OF BASIS  
PERMIT RENEWAL**

**GENWAL COAL COMPANY**

**CRANDALL CANYON MINE**

**UPDES No. UT0024368  
MINOR INDUSTRIAL**

**FACILITY CONTACT:**

Randal J. Ralphs  
Surface Foreman  
P.O. Box 1201  
195 North 100 West  
Huntington, Utah 84528  
Phone: (801) 687-9813

**STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE:**

The SIC code for this facility is 1222 (Bituminous Coal Underground Mining).

**DESCRIPTION OF FACILITY AND BACKGROUND INFORMATION:**

Genwal Coal Company owns and operates the Crandall Canyon underground coal mine. The company began mining operations in 1981, with an average annual output of approximately 250,000 tons. The mine was purchased in January 1989 by Nevada Electric Investment Corporation / Nevada Power. Current plans call for increasing production to 750,000 - 800,000 tons annually. All mine water is piped into a settlement pond which in turn discharges into Crandall Creek. A concrete retaining wall has recently been constructed to minimize surface runoff into the pond. The entire operation resides within the Manti-LaSal National Forest boundary, and is thus subject to antidegradation policy of Utah Administrative Code (UAC) R448-2-3. The mine is located approximately one and one half (1.5) miles south of Huntington Canyon (State Highway 31), up Crandall Canyon, Emery County. Outfall 001 is located at latitude 39° 27' 38" and longitude 111° 09' 59", discharging to Crandall Creek. Outfall 002 is located at latitude 39° 27' 38" and longitude 111° 09' 59", discharging to Crandall Creek. The mine has reported three (3) discharges in the last five (5) years, so the facility should be adequate for the five-year permit life.

**DESCRIPTION OF DISCHARGE:**

The facility has been reporting on a quarterly basis. A summary of the last 3 years submitted DMR's is on the next page.

### Self-Monitoring Data

<u>Date</u>	<u>Flow</u> <u>MGD</u>	<u>TSS</u> <u>mg/L</u>	<u>TDS</u> <u>mg/L</u>	<u>Fe</u> <u>mg/L</u>	<u>Oil &amp; Grease</u> <u>mg/L</u>	<u>pH</u>
Q3-87	No Discharge					
Q4-87	No Discharge					
Q1-88	No Discharge					
Q2-88	No Discharge					
Q3-88	No Discharge					
Q4-88	No Discharge					
Q1-89	---	8.0	670.0	0.02	1.0	8.0
Q2-89	No Discharge					
Q3-89	No Discharge					
Q4-89	No Discharge					
Q1-90	No Discharge					
Q2-90	---	9.0	240.0	0.04	<1.0	7.6
average	---	8.5	455.0	0.03	<1.0	7.6-8.0
permitted	---	25.0	700.0	2.0	10.0	6.5-9.0

### State-Monitoring Data (grab samples)

Because of the intermittent nature of the discharge, the State has been unable to collect samples when the facility was discharging.

### USE CLASSIFICATION OF RECEIVING WATER:

Genwal Coal's Crandall Mine discharges into Crandall Creek a tributary of Huntington Creek (Class 1C, 3A and 4).

Class 1C -- protected for domestic purposes with prior treatment by treatment processes as required by the Utah Department of Health.

Class 3A -- protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

Class 4 -- protected for agricultural uses including irrigation of crops and stockwatering.

**EFFLUENT LIMITS:**

The 30-day and 7-day limitations on Total Suspended Solids and pH limits are based on current Utah Secondary Treatment Standards. The daily maximum limit for Total Suspended Solids is a Federal Requirement found in 40 CFR 434.45. The limit on Total Dissolved Solids has been established by the Colorado River Basin Salinity Control Forum. The Iron limit is based upon the numeric criteria of a Class 3A water. The Oil and Grease limits are based upon a State and EPA Regional policy. The permit limitations are:

<u>Effluent Limitations</u>			
<u>Parameter</u>	<u>30-day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>
Total Suspended Solids	25 mg/L	35 mg/L	70.0 mg/L
Total Dissolved Solids	N.A.	N.A.	723.0 mg/L
Iron	N.A.	N.A.	1.0 mg/L
Oil and Grease	N.A.	N.A.	10.0 mg/L

The pH of the discharge shall not be less than 6.5 nor greater than 9.0 in any sample.

N.A. -- Not Applicable

40 CFR 434.63 entitles this facility to an alternate limits for Total Suspended Solids, and pH, for precipitation events. The alternative permit limitations are:

<u>Effluent Limitations</u>			
<u>Parameter</u>	<u>30-day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>
Total Settleable Solids	N.A.	N.A.	0.5 mL/L

The pH of the discharge shall not be less than 6.0 nor greater than 9.0 in any sample.

N.A. -- Not Applicable

In order to invoke this alternative, the conditions of 40 CFR 434.63(2) must be met.

### SELF-MONITORING REQUIREMENTS:

The following self-monitoring requirements are based on the Utah Monitoring, Recording, and Reporting Frequency Guidelines as revised November 1, 1989. The requirements are:

<u>Parameter</u>	<u>Frequency</u>	<u>Sample Type</u>	<u>Units</u>
Total Flow (a),(b)	Continuous	Estimated	MGD
Total Suspended Solids	Quarterly	Grab	mg/L
Total Dissolved Solids	Quarterly	Grab	mg/L
Iron	Quarterly	Grab	mg/L
Oil and Grease	Quarterly	Grab	mg/L
pH	Quarterly	Grab	S.U.

- (a) Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.
- (b) If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

### PRETREATMENT REQUIREMENTS:

Any wastewater that Genwal Coal discharges to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of the Clean Water Act, the permittee shall comply with all applicable Federal General Pretreatment Regulations promulgated, found in 40 CFR 403, the State Pretreatment Requirements found in Utah Administrative Code (UAC) R448-8-8, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the waste.

### BIOMONITORING REQUIREMENTS:

As part of a nationwide effort to control toxics, biomonitoring requirements are being included in permits for facilities where effluent toxicity is an existing or potential concern. Since Genwal does not meet either of these requirements, biomonitoring of the effluent will not be required. Authorization for requiring effluent biomonitoring is provided for in, Utah Administrative Code (UAC) R448-8-4.2 and R448-8-5.3.

**SLUDGE DISPOSAL REQUIREMENTS:**

The 1987 amendments to the Clean Water Act require EPA to establish toxic contaminant criteria for sludge use and disposal. These criteria are to be imposed through NPDES permits, or other permits, if appropriate, which includes requirements for the use and disposal of sludge that implements the regulations on toxic contaminant criteria. EPA proposed sludge regulations in the Federal Register February 6, 1989. Once these regulations are promulgated, it is anticipated that the State will proceed to adopt equivalent regulations. In lieu of this, the permit will contain a reopener to accommodate any new requirements that may result. In the interim, Genwal Coal's sludge is dewatered and sent to a landfill as the need dictates.

**PERMIT DURATION:**

It is recommended that the duration of the permit be five (5) years expiring on August 31, 1995.

Drafted by:           State of Utah  
                  Paul C. Krauth  
                  Environmental Engineer  
                  October 1, 1990

STATE OF UTAH  
DEPARTMENT OF HEALTH  
BUREAU OF WATER POLLUTION CONTROL  
P.O. BOX - 16690  
SALT LAKE CITY, UTAH 84116-0690

AUTHORIZATION TO DISCHARGE UNDER THE  
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with provisions of the "Utah Water Pollution Control Act", Title 26, Chapter 11, Utah Code Annotated 1953, as amended, the "Act"

GENWAL COAL COMPANY

is authorized to discharge from it's Crandall Canyon mine located

approximately one and one half (1.5) miles south of Huntington Canyon (State Highway 31), up Crandall Canyon, Emery County, Utah, with the outfalls located at latitude 39° 27' 38" and longitude 111° 09' 59".

to

Crandall Creek

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.


This permit shall become effective on

November 1, 1990.

This permit and the authorization to discharge shall expire at midnight,

August 31, 1995.

Signed this *2<sup>nd</sup>* day of *October 1990*

  
Authorized Permitting Official  
Executive Secretary  
Water Pollution Control Committee



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I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Definitions.

1. The "30-day (and monthly) average", other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 30-day period or calendar month, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The calendar month shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms.
2. The "7-day (and weekly) average", other than for fecal coliform bacteria and total coliform bacteria, is the arithmetic average of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. Geometric means shall be calculated for fecal coliform bacteria and total coliform bacteria. The 7-day and weekly averages are applicable only to those effluent characteristics for which there are 7-day average effluent limitations. The calendar week which begins on Sunday and ends on Saturday, shall be used for purposes of reporting self-monitoring data on discharge monitoring report forms. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for that calendar week shall be included in the data for the month that contains the Saturday.
3. "Daily Maximum" ("Daily Max.") is the maximum value allowable in any single sample or instantaneous measurement.
4. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.
5. An "instantaneous" measurement, for monitoring requirements, is defined as a single reading, observation, or measurement.
6. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

7. "Bypass" means the diversion of waste streams from any portion of a treatment facility.
8. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
9. "Executive Secretary" means Executive Secretary of the Utah Water Pollution Control Committee.
10. "EPA" means the United States Environmental Protection Agency.
11. "Sludge" is any solid, semi-solid or liquid residue that contains materials removed during treatment. Sludge includes, but is not limited to, primary and secondary solids and sewage products.
12. The term "settleable solids" is that matter measured by the volumetric method specified below.

Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.

B. Narrative Standard.

It shall be unlawful, and a violation of this permit, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or conditions which produce undesirable aquatic life or which produces objectionable tastes in edible aquatic organisms; or concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, as determined by bioassay or other tests performed in accordance with standard procedures determined by the Water Pollution Control Committee.

C. Description of Discharge Points.

The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under an UPDES permit is a violation of the "Act" and could be subject the person(s) responsible for such discharge to penalties under the "Act". Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge could subject such a person(s) to criminal penalties as provided under the "Act".

Outfall Serial  
Number

Description of Discharge

001

A 6 inch discharge pipe on the north side of the settlement pond. Located at latitude 39° 27' 38'' and longitude 111° 09' 59''.

002

A 4 inch discharge pipe on the north side of the settlement pond. Located at latitude 39° 27' 38'' and longitude 111° 09' 59''.

D. Specific Limitations and Self-Monitoring Requirements.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

1.(i) Effluent Limitations for Outfalls 001 and 002.

Effective immediately and lasting through the life of this permit, the quality of effluent discharged by the facility shall, as a minimum, meet the limitations as set forth below:

<u>Parameter</u>	<u>Effluent Limitations</u>		
	30-day (a) <u>Average</u>	7-Day (a) <u>Average</u>	Daily (a) <u>Maximum</u>
Total Suspended Solids	25 mg/L	35 mg/L	70.0 mg/L
Total Dissolved Solids	N.A.	N.A.	723.0 mg/L
Iron	N.A.	N.A.	1.0 mg/L
Oil and Grease	N.A.	N.A.	10.0 mg/L

The pH of the discharge shall not be less than 6.5 nor greater than 9.0 in any sample.

- (ii) 40 CRF 434.63 entitles this facility to an alternate limits for Total Suspended Solids and pH, for precipitation events The alternative permit limitations are:

<u>Parameter</u>	<u>Effluent Limitations</u>		
	30-day (a) <u>Average</u>	7-Day (a) <u>Average</u>	Daily (a) <u>Maximum</u>
Total Settleable Solids (a)	N.A.	N.A.	0.5 ml/L

The pH of the discharge shall not be less than 6.0 nor greater than 9.0 in any sample.

In order to invoke this alternative, all conditions specified in Part II.C Alternative Limitation Conditions, must be meet.

N.A. -- Not Applicable

- (a) See Definitions, Part I.A., for definition of terms.

2. Self-Monitoring Requirements (Outfalls 001 and 002).

Effective immediately and lasting through the life of this permit:

As a minimum, the following constituents shall be monitored at the frequency and with the type of measurement indicated; samples or measurements shall be representative of the volume and nature of the monitored discharge. If no discharge occurs during the entire monitoring period, it shall be stated on the Discharge Monitoring Form (EPA No. 3320-1) that no discharge or overflow occurred.

<u>Parameter</u>	<u>Frequency (a)</u>	<u>Sample Type (a)</u>	<u>Units</u>
Total Flow (b), (c)	Continuous	Instantaneous	MGD
Total Suspended Solids	Quarterly	Grab	mg/L
Total Dissolved Solids	Quarterly	Grab	mg/L
Iron	Quarterly	Grab	mg/L
Oil and Grease	Quarterly	Grab	mg/L
pH	Quarterly	Grab	S.U.

- (a) See Definitions, Part I.A for definition of terms.
- (b) Flow measurements of effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.
- (c) If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

## II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge. Sludge samples shall be collected at a location representative of the quality of sludge immediately prior to the use-disposal practice.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under Utah Administrative Code (UAC) R448-2-10, unless other test procedures have been specified in this permit.
- C. Alternate Limitation Conditions. The alternative limit to Total Suspended Solids listed in Part II.B.1.(ii) may be used under the following conditions.
1. Any overflow or increase in the volume of a discharge caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume).
  2. The treatment facility is designed, constructed, operated, and maintained to contain at a minimum the volume of water which would drain into the treatment facility during the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume).
  3. The treatment facility is designed, constructed, operated, and maintained to consistently achieve the effluent limitations set forth in Part I.B.1(i) during periods of no precipitation (or snowmelt).
  4. The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in Part I.B.1(ii).
- D. Penalties for Tampering. The "Act" provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- E. Reporting of Monitoring Results. Monitoring results obtained during the previous quarter shall be summarized for each year and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), post-marked no later than the 28th day of the month following the completed reporting period. The first report is due on April 28, 1991. If no discharge occurs during the reporting period, "no discharge" shall be reported. Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the requirements of Signatory Requirements, Part IV.G, and submitted to the Director, Utah Bureau of Water Pollution Control and to EPA at the following addresses:



original to: Utah Department of Health  
Bureau of Water Pollution Control  
288 North 1460 West  
P.O. Box 16690  
Salt Lake City, Utah 84116-0690

copy to: United States Environmental Protection Agency Region VIII  
Denver Place  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405  
Attention: Water Management Division  
Compliance Branch (8WM-C)

- F. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- G. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under UAC R448-2-10 as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- H. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
  2. The individual(s) who performed the sampling or measurements;
  3. The date(s) analyses were performed;
  4. The time(s) analyses were performed;
  5. The individual(s) who performed the analyses;
  6. The analytical techniques or methods used; and,
  7. The results of such analyses.
- I. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time. Data collected on site, copies of Discharge Monitoring Reports, and a copy of this UPDES permit must be maintained on site during the duration of activity at the permitted location.

J. Twenty-four Hour Notice of Noncompliance Reporting.

1. The permittee shall (orally) report any noncompliance which may seriously endanger health or environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of circumstances. The report shall be made to the Utah Bureau of Water Pollution Control, (801) 538-6146, or 24 hour answering service (801) 538-6333.
2. The following occurrences of noncompliance shall be reported by telephone (801) 538-6333 as soon as possible but no later than 24 hours from the time the permittee becomes aware of the circumstances:
  - a. Any noncompliance which may endanger health or the environment;
  - b. Any unanticipated bypass which exceeds any effluent limitation in the permit (See Part III.G, Bypass of Treatment Facilities.);
  - c. Any upset which exceeds any effluent limitation in the permit (See Part III.H, Upset Conditions.); or,
  - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit.
3. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
  - e. Steps taken, if any, to mitigate the adverse impacts on the environment and human health during the noncompliance period.
4. The Executive Secretary may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Bureau of Water Pollution Control, (801) 538-6146.
5. Reports shall be submitted to the addresses in Part II.E, Reporting of Monitoring Results.

- K. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.E are submitted. The reports shall contain the information listed in Part II.J.3.
- L. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
  2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
  4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the "Act", any substances or parameters at any location.

### III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the "Act" and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The "Act" provides that any person who violates a permit condition implementing provisions of the "Act" is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions of the "Act" is subject to a fine not exceeding \$25,000 per day of violation; Any person convicted under Section 26-11-16(2) a second time shall be punished by a fine not exceeding \$50,000 per day. Except as provided in permit conditions on Part III.G, Bypass of Treatment Facilities and Part III.H, Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Collected screening, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner so as to prevent any pollutant from entering any waters of the state or creating a health hazard. Filter backwash shall not directly enter either the final effluent or waters of the state by any other direct route.

G. Bypass of Treatment Facilities.

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section. Return of removed substances, as described in Part III.F, to the discharge stream shall not be considered a bypass under the provisions of this paragraph.
2. Notice:
  - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
  - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II.I, Twenty- four Hour Reporting.
3. Prohibition of bypass.
  - a. Bypass is prohibited and the Executive Secretary may take enforcement action against a permittee for a bypass, unless:
    - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
    - (3) The permittee submitted notices as required under paragraph 2 of this section.
  - b. The Executive Secretary may approve an anticipated bypass, after considering its adverse effects, if the Executive Secretary determines that it will meet the three conditions listed above in paragraph 3.a of this section.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. Executive Secretary's administrative determination regarding a claim of upset cannot be judiciously challenged by the permittee until such time as an action is initiated for noncompliance.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
  - b. The permitted facility was at the time being properly operated;
  - c. The permittee submitted notice of the upset as required under Part II.J, Twenty-four Hour Notice of Noncompliance Reporting; and,
  - d. The permittee complied with any remedial measures required under Part III.D, Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Pretreatment.

Any wastewater discharged to the sanitary sewer, either as a direct discharge or as a hauled waste, are subject to Federal, State and local pretreatment regulations. Pursuant to Section 307 of the Clean Water Act, the permittee shall comply with all applicable Federal General Pretreatment Regulations promulgated at 40 CFR Section 403, the State Pretreatment Requirements at UAC R448-8-8, and any specific local discharge limitations developed by the Publicly Owned Treatment Works (POTW) accepting the waste.

2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV.G.2 must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The "Act" provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both.
- I. Availability of Reports. Except for data determined to be confidential under UAC R448-8-3.2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of Executive Secretary. As required by the "Act", permit applications, permits and effluent data shall not be considered confidential.

- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the permittee of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under the "Act".
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 20 days in advance of the proposed transfer date;
  2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
  3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 26-11-19 of the "Act"
- O. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate effluent limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. Water Quality Standards for the receiving water(s) to which the permittee discharges are modified in such a manner as to require different effluent limits than contained in this permit.
  2. A final wasteload allocation is developed and approved by the State and/or EPA for incorporation in this permit.
  3. A revision to the current Water Quality Management Plan is approved and adopted which calls for different effluent limitations than contained in this permit.





Norman H. Bangerter

Governor

Juzanne Dandoy, M.D., M.P.H.

Executive Director

Kenneth L. Alkema

Director

DEPARTMENT OF HEALTH  
DIVISION OF ENVIRONMENTAL HEALTH

288 North 1460 West

P.O. Box 16690

Salt Lake City, Utah 84116-0690

(801) 538-6121

January 23, 1990

GENWAL COAL CO, INC-CRANDALL  
P O BOX 1201  
HUNTINGTON, UT 84528

Dear Sir:

Included in our October, 1989 mailing of the recently adopted Ground Water Quality Protection Regulations was a notification form to assist you in complying with Section R448-6-6. By this second letter the Bureau of Water Pollution Control (BWPC) is reminding you that the enclosed Notification Form must be completed and returned by February 10, 1990 for the facilities you own and or operate. Failure to comply with this notification requirement is subject to possible enforcement action including civil penalties under section R448-6-6.

Due to the expense of the October mailing of the Notification Form, Preamble, and Ground Water Quality Protection Regulations package, only the Notification Form is again included at this time. If you desire an additional copy of the Preamble and Ground Water Quality Protection Regulations, contact the Ground Water Protection Section of the Bureau of Water Pollution Control at 538-6146.

The Bureau looks forward in working with you in protecting the existing and probable future beneficial uses of Utah's ground water resources. We encourage you to become familiar with the new regulations and thank you in advance for your cooperation.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler, P.E.  
Executive Secretary

WED:kc  
Q:notice.FIL

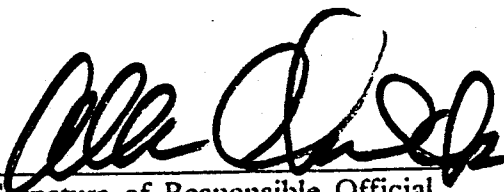
## NATURE OF GROUND WATER DISCHARGE NOTIFICATION FORM

1. Facility Name and Mailing Address	Genwal Coal Company P.O. Box 1201 Huntington, UT 84528
2. Contact Name and Telephone No.	Allen Childs, Mine Manager 801-687-9813
3. Nature and Facility Operations (include Department of Commerce Standard Industrial Codes (SIC) if known)	Underground Coal Mining  (SIC)
4. Geographic Location of the Facility (County; Street Address, City, Zip; Latitude and Longitude (UTM))	Emery County Box 234, Huntington, 84528 Sec. 5, Township 16 S., Lat. and Long. Range 7 East.
5. Please circle the appropriate answer. Facility ownership is:	<u>Private</u> ; Public, Indian, State, Federal, or Other, please specify _____
Type of Ground Water Discharge or Potential Discharge is:	Injection Well, Lagoon, Drain Field, Waste Storage Pit and Piles, Ephemeral Drainage, Landfill, Infiltration Basin, Pond, Leach, Tailings Storage, Land Application or Other, please specify <u>01 In-mine Sump - 02 Sed Pond (surface)</u>
6. Please circle an appropriate designation of regulatory authority for your discharge activities.	
a. <u>Water Pollution Control Committee</u>	Permit Date and Number  <u>UT-0024368 NPDES</u>
Construction Permit (CP), Pollution Discharge Elimination System (UPDES), or Underground Injection Control (UIC)	
b. <u>Solid and Hazardous Waste Committee</u>	Permit Date and Number  _____
Resource Conservation & Recovery Act (RCRA), Sanitary Landfills, Listed under CERCLA, Underground Storage Tanks (UST)	
c. <u>Division of Oil, Gas and Mining</u>	Permit Date and Number  <u>ACT/015/032</u>
Well Site Permit to Drill, Produced Water Disposal, Class II Underground Injection Control (UIC), Permanent Program Coal Mining Permit, Mineral Mining, Refined Oil Permit	
d. <u>Federal Permits</u>	Permit Date and Number Mine I.D. <u>42-01715</u>
U.S. Federal Service, U.S. Bureau of Land Management U.S. Bureau of Indian Affairs, other	
e. <u>Other (i.e., geothermal, heat pump, etc.)</u>	Permit Date and Number  _____

Please answer:

7. Please describe your non-permitted and permitted discharge(s). Include for each discharge point (1) general composition of chemical make-up, (2) average and maximum daily amount of effluent (GPD), (3) the discharge rate (GPM), (4) concentrations of any contamination (MG/L).

Discharge Point 01: In mine sump. Sample date: 24 April, 1989  
Iron 0.02 < mg/l Solids Dissolved 670.0 mg/l  
pH 8.00 units Solids, suspended 8.0 mg/l  
Oil & Grease 1.0 < mg/l  
Discharged once in 1989  
Discharge Point 02: Sed Pond: No discharge 1989

  
Signature of Responsible Official

Date 2-9-90

As required by the Ground Water Quality Protection Regulations, submit the completed Notification Form no later than February 10, 1990 to:

Bureau of Water Pollution Control  
Ground Water Protection Section  
288 North 1460 West  
P.O. Box 16690  
Salt Lake City, Utah 84116-0690

Please call 538-6146 if you have any questions on completing the Notification Form.

Permit

Effective Date: Date of Issuance\*

Expiration Date: June 30, 1990

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended  
(33 U.S.C. 1251 et. seq.) (hereinafter referred to as "the Act"),

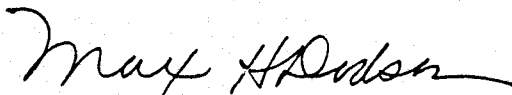
Gerwal Coal Co., Inc., Crandall Canyon Mine,

is authorized by the United States Environmental Protection Agency,

to discharge from a facility located at Section 5, Township 16 South, Range 7  
East, Emery County, Utah,

to receiving waters named Crandall Creek, a tributary of the Price River,

in accordance with effluent limitations, monitoring requirements and other  
conditions set forth in Parts I, II, and III, hereof.

  
\_\_\_\_\_  
Authorized Permitting Official

DEC 9 1985

\_\_\_\_\_  
Date

Max H. Dodson  
Director  
Water Management Division  
\_\_\_\_\_  
Title

\*Thirty (30) days after the date of receipt of this permit by the Applicant.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning immediately and lasting through June 30, 1990, the permittee is authorized to discharge from all point sources associated with active mining operations indicated on the area maps submitted and approved pursuant to Part III, A.1. Such discharges shall be limited and monitored by the permittee as specified below:

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristics</u>	<u>Discharge Limitations a/</u>			<u>Monitoring Requirements</u>	
	<u>Daily Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow - m <sup>3</sup> /Day, gpd	N/A	N/A	N/A	One time/Month	Measured <u>a/</u> <u>c/</u>
Total Suspended Solids	25 mg/L	35 mg/L	70 mg/L	One time/Month	Grab
Total Iron	N/A	N/A	2.0 mg/L <u>b/</u>	One time/Month	Grab
Total Dissolved Solids	N/A	N/A	700 mg/L <u>d/</u>	One time/Month	Grab

Oil and Grease shall not exceed 10 mg/L and shall be monitored monthly by a grab sample.

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units and shall be monitored monthly by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

There shall be no discharge of sanitary wastes.

2. See Schedule of Compliance. Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at any point which is representative of each discharge prior to its mixing with the receiving stream and as indicated by the solid triangles on the current area maps submitted pursuant to Part III, A.1.

a/ See Part I., C.3.

b/ If any Iron analysis exceeds this limitation, the State of Utah and the permittee shall reiveu the actions necessary to achieve compliance with the limitation and the continued appropriateness of the limitation. In no event shall the discharge exceed a daily maximum limitation for Total Iron of seven (7) milligrams per liter.

c/ For the intermittent discharges, the duration of the discharge shall be reported.

d/ The total amount of Total Dissolved Solids (TDS) discharged from all outfalls is limited to one ton (2,000 pounds) per day of TDS.

PART I

Page 3 of 17

Permit No.: UT0024368

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Active Mining Operations) (Continued)

3. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitation instead of the Total Suspended Solids limitations contained in Part I, A.1.:

Effluent Characteristic

Daily Maximum

Settleable Solids

0.5 mg/L

Settleable Solids shall be monitored weekly during periods of precipitation.

4. Any overflow, increase in volume of a discharge or discharge from a bypass system caused by precipitation within any 24-hour period greater than the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) shall comply with the following limitations instead of the otherwise applicable limitations:

The pH shall not be less than 6.5 standard units nor greater than 9.0 standard units.

5. The alternate limitations provided in Parts I, A.3. and A.4., shall apply only if:

- a. The treatment facility is designed, constructed, operated and maintained to contain at a minimum the volume of water which would drain into the treatment facility during the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume);
- b. The treatment facility is designed, constructed, operated and maintained to consistently achieve the effluent limitations set forth in Part I, A.1., during periods of no precipitation (or snowmelt).

6. The operator shall have the burden of proof that the preceding conditions have been met in order to qualify for the alternate limitations in Parts I, A.3. and A.4. The alternate limitations in Parts I, A.3. and A.4. shall not apply to treatment systems that treat underground mine water only.

PART I

Page 4 of 17

Permit No.: UT-0024368

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:
  - a. If the permittee has not previously submitted Area Map(s) described in Part III, A., such Area Map(s) shall be submitted within 30 days of the effective date of this permit.
  - b. Revised Area Map(s) as described in Part III, A., must be submitted 60 days prior to commencement of the discharge.
2. No later than fourteen (14) calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the later case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Reporting

Monitoring results obtained during the previous three (3) month(s) shall be summarized and reported on a Discharge Monitoring Report Form (EPA No. 3320-1), postmarked no later than the 28th day of the month following the completed reporting period. The first report is due on January 28, 1986. Duplicate signed copies of these, and all other reports required herein, (as required by Part II, A.9.) shall be submitted to the Regional Administrator and the Director of the State of Utah Water Pollution Agency at the following address:

U.S. Environmental Protection Agency	Utah Department of Health
One Denver Place	Division of Environmental Health
999 18th Street, Suite 1300	Bureau of Water Pollution Control
Denver, Colorado 80202-2413	P.O. Box 45500
Attention: Water Management Division	Salt Lake City, Utah 84145-0500
Compliance Branch (8WM-C)	

3. Definitions

- a. The "daily average" means the arithmetic average of all the daily determinations made during a calendar month. Daily determinations made using a composite sample shall be the value of the composite sample. When grab samples are used, the daily determination shall be the arithmetic average of all the samples collected during the calendar day. Daily determinations of mass shall be determined by the daily determination of concentration multiplied by the volume of discharge for that day.
- b. The "daily maximum" concentration means the daily determination of concentration for any calendar day.
- c. Measurement of flow shall be performed by a direct flow measurement technique such as a flow meter, weir, or gauge.
- d. A "composite" sample for monitoring requirements, is defined as a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow. Composite sampling must not exceed a 24 hour time period.
- e. A "grab" sample, for monitoring requirements, is defined as a single "dip and take" sample collected at a representative point in the discharge stream.



C. MONITORING AND REPORTING (Continued)

3. Definitions (Continued)

- g. The "7-day average" shall be determined by the arithmetic mean of a minimum of three (3) consecutive samples taken on separate days in a 7-day period (minimum total of three (3) samples).
- h. "Reclamation area" means the surface area of a coal mine which has been returned to required contour and on which revegetation (specifically, seeding or planting) work has commenced.
- i. The term "10-year, 24-hour precipitation event" shall mean the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, and subsequent amendments or equivalent regional or rainfall probability information developed therefrom.
- i. For additional definitions, see Part III, B.

4. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations published pursuant to Section 304(h) of the Act, under which such procedures may be required.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person(s) who performed the analyses;
- d. The analytical techniques or methods used; and,
- e. The results of all required analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form (EPA No. 3320-1). Such increased frequency shall also be indicated.

7. Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years, or longer, if requested by the Regional Administrator or the State Water Pollution Control Agency.

PART II

Page 8 of 17

Permit No.: UT-0024368

**A. MANAGEMENT REQUIREMENTS**

**1. Adverse Impact**

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

**2. Noncompliance Notification**

If, for any reason, the permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the permittee shall provide the Regional Administrator and the State of Utah with the following information, in writing, within five (5) days of learning or being advised of such condition:

- a. A description of the discharge and cause of noncompliance; and,
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge. This written submission shall not be considered as excusing or justifying the failure to comply with the effluent limitations.

**3. Change in Discharge**

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

PART II

Page 9 of 17

Permit No.: UT-0024368

A. MANAGEMENT REQUIREMENTS (Continued)

4. Facilities Operation

- a. The permittee shall at all times maintain in good working order and operate as efficiently as possible, all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit.
- b. Dilution water shall not be added to comply with effluent requirements.

5. Bypass of Treatment Facilities

a. Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b. Bypass not Exceeding Limitations

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this Section.

c. Notice

(1) Anticipated Bypass

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

(2) Unanticipated Bypass

The permittee shall submit notice of an unanticipated bypass as required in Part II, A.2.

PART II

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Permit No.: UT-0024368

A. MANAGEMENT REQUIREMENTS (Continued)

5. Bypass of Treatment Facilities (Continued)

d. Prohibition of Bypass

- (1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,
  - (c) The permittee submitted notices as required under paragraph c. of this Section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 5.(1) of this Section.

6. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of waste waters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the United States.

7. Power Failures

No later than 30 days after the effective date of this permit, the permittee shall certify in writing to the permit issuing authority either that:

- a. An alternative mechanical or electrical power source sufficient to operate essential facilities utilized by the permittee to maintain compliance with the terms and conditions of the permit has been or will be installed or,

PART II

Page 11 of 17

Permit No.: UT-0024368

A. MANAGEMENT REQUIREMENTS (Continued)

7. Power Failures (Continued)

- b. Upon reduction, loss or failure of one or more of the primary sources of electrical power to essential facilities utilized by the permittee to maintain compliance with the terms and conditions of this permit, the permittee shall halt, reduce, or otherwise control production and/or all discharges in order to maintain compliance with the terms and conditions of this permit.

8. Delineated Discharges

Any discharge delineated in Part III (Other Requirements) (originating from operations covered by Standard Industrial Classification Codes 1211 and 1213) that commences after the effective date of this permit shall be in compliance with all effluent limitations, monitoring requirements, and other conditions contained herein upon initiation of discharge.

9. Signature Requirements

All reports or information submitted pursuant to the requirements of this permit must be signed and certified by a principal official or by a duly authorized representative of that person. Signatory regulations are established in 40 CFR 122.6.

PART II

Page 12 of 17

Permit No.: UT-0024368

**B. RESPONSIBILITIES**

**1. Right of Entry**

The permittee shall allow the head of the State Water Pollution Control Agency, the Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

- a. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit; and
- b. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

**2. Transfer of Ownership or Control**

In the event of any change in control or ownership of facilities from which the authorized discharges emanate, the permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Regional Administrator and the State Water Pollution Control Agency.

**3. Availability of Reports**

Except for data determined to be confidential under Section 308 of the Act, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Pollution Control Agency and the Regional Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the Act.

**4. Permit Modification**

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or,
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

B. RESPONSIBILITIES (Continued)

5. Toxic Pollutants

Notwithstanding Part II, B.4. above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the permittee so notified.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" (Part II, A.5.) and "Power Failures" (Part II, A.7.), nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.



PART II

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Permit No.: UT-0024368

B. RESPONSIBILITIES (Continued)

11. Reapplication





If the permittee desires to continue to discharge, he shall reapply at least one hundred eighty (180) days before this permit expires using the application forms then in use. The permittee should also reapply if he desires to maintain a permit, even though there was not a discharge from the treatment facilities during the duration of this permit.

A. OTHER REQUIREMENTS

1. General Requirements

a. Area Maps (Active Mining Operations)

- (1) Facilities which have already identified the location of each discharge need not submit an area map.
- (2) The permittee shall submit revised Area Map(s) to show any changes, corrections, or other modifications or adjustments of the location of the point source discharges. The purpose of this requirement is to assure that the Regional Administrator and the State of Utah are kept fully advised as to the current location of such discharges.
- (3) The revised Area Map(s) shall be submitted in the form specified below and shall be made from USGS topographical maps (7.5 or 15-minute series) or other appropriate sources as approved by the Regional Administrator or his designee. Each revised Area Map shall be 8 1/2 inches by 11 inches and shall be in black and white suitable to produce readable copies by rapid printing methods (Xerox, Dennison, Offset printing, etc.) or as approved by the Regional Administrator or his designee. Where additional 8 1/2 inch by 11 inch maps are required to show the area of operation, they shall be numbered and a key shall be shown on the first map. The first map section shall have the company name, mine/job name, address, and NPDES number clearly printed thereon. Also, one line of latitude and one line of longitude shall be marked on each map section. The Area Map(s) shall delineate the following, using the graphics as indicated:

- (a) Existing Area of Operation  (Solid Outline)
- (b) Existing point source  (Solid Triangle)
- (c) The projected area of operation for the next five years  (Dashed Outline)
- (d) Project point source for the next five years  (Opened Triangle)

PART III

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A. OTHER REQUIREMENTS (Continued)

1. General Requirements (Continued)

(e) The monitoring reports must indicate the active-inactive status of all discharge points which are listed on the current area maps. These discharge points shall be assigned numbers 001, 002, 003, etc.

b. Monitoring of a discharge may be terminated if either:

- (1) Sufficient data has been accumulated to show to the satisfaction of the Regional Administrator or his designee that the untreated discharge from an area where active mining has ceased will meet the limitations herein; or,
- (2) The discharge emanates from an area on which the State of Utah has released the grading bond or has taken other similar action.

**B. ADDITIONAL DEFINITIONS**

1. The term "coal preparation plant" means a facility where coal is subjected to cleaning concentrating, or other processing or preparation in order to separate coal from its impurities and than is loaded for transit to a consuming facility
2. The term "coal preparation plant associated areas" means the coal preparation plant yards, immediate access roads, coal refuse piles, and coal storage piles and facilities.
3. The term "settleable solids" is that matter measured by the volumetric method specified below:

The following procedure is used to determine settleable solids:

Fill an Imhoff cone to the one-liter mark with a thoroughly mixed sample. Allow to settle undisturbed for 45 minutes. Gently stir along the inside surface of the cone with a stirring rod. Allow to settle undisturbed for 15 minutes longer. Record the volume of settled material in the cone as milliliters per liter. Where a separation of settleable and floating material occurs, do not include the floating material in the reading.